

## **REMARKS**

### **Objections**

#### ***Objections to the Drawings***

The Examiner objected to the drawings as being informal. Applicant is submitting formal drawings with this response and requests the withdrawal of the objection to the drawings.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-27**

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,529,208 to Chun et al, in view of U.S. Patent 5,594,850 to Noyama et al. Chun qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's filing date. Applicant does not admit that Chun is prior art and reserves the right to challenge it at a later date. Nonetheless, Applicant respectfully submits that the combination of Chun and Noyama is improperly motivated and furthermore does not teach each and every element of the invention as claimed in claims 1-27.

Chun discloses using overlay and color pixels to display a computer graphic image. Each region in the image is associated with a set of color pixels. The overlay pixels define any information that is to be superimposed on the regions, and may be opaque or transparent. An overlay region mask contains all regions in the image with corresponding opaque overlay pixels. The overlay region mask prevents the opaque overlay pixels from being overwritten with the color pixels when the image is displayed.

Noyama discloses creating a mask for portions of an image and applying special effects to the masked portions.

Applicant respectfully submits the combination of Chun and Noyama is improperly motivated because the references teach away from the combination [MPEP 2145 X.D.2]. Chun's mask prevents the color pixels ("special effects") from overlaying the opaque pixels in the mask. In contrast, Noyama discloses just the opposite: Noyama

**In the Drawings**

The attached sheets of drawings include changes to Figures 1A-C, 2A-C and 3.  
This sheet replaces the original sheets, including Figures 1A-C, 2A-C and 3.

allows special effects to be applied to the masked portions. Furthermore, the Examiner has provided no clear reasoning as why one of skill in the art would expect to successfully combine the conflicting teachings of Chun and Noyama [MPEP 2140.01]. Accordingly, the combination of Chun and Noyama is improper.

Assuming, *arguendo*, that the combination of Chun and Noyama could be considered proper, the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 1-27. Applicant claims a translucent masking tool, and that the masking tool dynamically moves in response to user input during the application of an effect. As admitted by the Examiner, Noyama does not disclose these elements.

The Examiner asserts that Chun's mask region is equivalent to Applicant's claimed translucent masking tool. However, Chun discloses the mask region consists of opaque pixels. Thus, the mask region is opaque, not translucent as claimed.

Moreover, the Examiner is relying on Figure 12 in Chun as teaching Applicant's claimed dynamic moving of the masking region in response to user input during the application of an effect. It appears that the Examiner is interpreting step 1226 as moving Chun's overlay region mask. This interpretation is incorrect. Figure 12 illustrates the creation of an overlay region mask [Chun: col. 6, lines 52-56]. Figure 12 does not illustrate the use of the overlay region mask during application of an effect. In addition, Applicant respectfully points out that step 1220 is analogous to step 1226, and that Chun states that step 1220 moves a pointer from the window currently being processed to the next window to be processed [Chun: col. 7, lines 29-30]. Thus, step 1226 does not move the overlay region mask itself. Finally, Chun does not teach or suggest that step 1226 is performed in response to user input. Accordingly, Chun cannot be properly interpreted as disclosing the claimed dynamic movement of a masking region in response to user input during the application of an effect.

Therefore, the combination of Chun and Noyama is improper and further does not teach each and every claim element. Accordingly, the combination cannot render obvious Applicant's invention as claimed in claim 1-27, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Chun and Noyama.

### **SUMMARY**

Claims 1-27 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

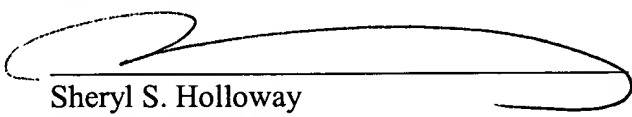
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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